Code of Practice – Meeting Procedures

Meetings of Council and Standing Committees

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Legislation:	*Local Government Act 1999* *Local Government (Procedures at Meetings) Regulations 2013*
Related Documents:	*Deputation Form* *Public Question Time Form* *Petition Policy*

CITY OF PROSPECT

1 Purpose

1.1 Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance.

1.2 The Code of Practice – Meeting Procedures (the Code) ensures the meeting procedures undertaken by Council are consistent with the Local Government (Procedures at Meetings) Regulations 2013.

2 Scope

2.1 The Code applies to:

2.1.1 Ordinary Meetings of Council

2.1.2 Special Meetings of Council

2.1.3 Meetings of Standing Committees including Audit & Risk Committee, Strategic Policy & Development Planning Committee, CEO Performance Development Review Committee and any other Standing Committee formed under Section 41 of the *Local Government Act 1999*.

3 Definitions

the Act	Means the *Local Government Act 1999*
the Regulations	Means the *Local Government (Procedures at Meetings) Regulations 2013*

Further definitions can be found at Regulation 3, at Clause 5 of this Code of Practice.

4 Legislative and Corporate Requirements

4.1 The Regulations include Guiding Principles to be observed at meetings of Council and Council Committees:

- procedures should be fair and contribute to open, transparent and informed decision-making;
- procedures should encourage appropriate community participation in the affairs of the Council;
- procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

5 Local Government (Procedures at Meetings) Regulations 2013

Under the *Local Government Act 1999*

Version: 17.11.2022

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days—see subregulations (2) and (3);

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

(a) that the meeting proceed to the next business; or

(b) that the question be put; or

(c) that the question lie on the table; or

(d) that the question be adjourned; or

(e) that the meeting be adjourned[1];

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council.

(2) In the calculation of ***clear days*** in relation to the giving of notice before a meeting—

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of ***clear days*** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these regulations, a vote on whether ***leave of the meeting*** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

1 See regulation 12 for specific provisions about formal motions.

4—Guiding Principles

The following principles (the ***Guiding Principles***) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

(a) procedures should be fair and contribute to open, transparent and informed decision-making;

(b) procedures should encourage appropriate community participation in the affairs of the council;

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5—Application of Part

The provisions of this Part apply to or in relation to—

(a) the meetings of a council; and

(b) the meetings of a council committee performing regulatory activities; and

(c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

6—Discretionary procedures

(1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

(2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.

(3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.

(4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

(7) Regulation 12(4) does not apply to a motion under subregulation (3).

(8) This regulation does not limit or derogate from the operation of regulation 20[1].

Note—

1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—

(a)as determined by the council; or

(b)in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Division 2—Prescribed procedures

7—Commencement of meetings and quorums

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.

(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the chief executive officer must—

(a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and

(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

8—Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the presiding member will—

(a) initial each page of the minutes, which pages are to be consecutively numbered; and

(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

(4) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(ab) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of council; and

(b) in relation to each member present—

(i) the time at which the person entered or left the meeting; and

(ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

(iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and

(c) each motion or amendment, and the names of the mover and seconder; and

(d) any variation, alteration or withdrawal of a motion or amendment; and

(e) whether a motion or amendment is carried or lost; and

(f) any disclosure of interest made by a member; and

(g) an account of any personal explanation given by a member; and

(h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section;

(j) details of any adjournment of business; and

(k) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

(n) any other matter required to be included in the minutes by or under the Act or any regulation.

9—Questions

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under subregulation (1)—

(a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(3) A member may ask a question without notice at a meeting.

(4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

10—Petitions

(1) A petition to the council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

City of Prospect Variations & Additions:

- When including address only name of suburb required

(d) be addressed to the council and delivered to the principal office of the council.

(2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

(3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Refer to Council's Petition Policy for further information

11—Deputations

(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

12—Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.

(3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

(4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next general election,

whichever is the sooner.

(5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

(6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

(10) A member may only speak once to a motion except—

(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is—

(a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

(b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or

(c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

(d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

(e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost—

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

(20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

(21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

13—Amendments to motions

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Prospect Variations & Additions:

- Clarification that the Mover of the original Motion remains the "owner" of the Motion following acceptance of the Amendment – ie the original Mover retains the right to sum-up at the end debate.

14—Variations etc

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

15—Addresses by members etc

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.

(2) A member may, with leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) The contribution of a member must be relevant to the subject matter of the debate.

(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

16—Voting

(1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.

(2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

(4) Subregulation (3)—

(a) may be varied at the discretion of the council pursuant to regulation 6; and

(b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

17—Divisions

(1) A division will be taken at the request of a member.

(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows:

(a) the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the presiding member will count the number of votes and then declare the outcome.

(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

18—Tabling of information

(1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

19—Adjourned business

(1) If a formal motion for a substantive motion to be adjourned is carried—

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

City of Prospect Variations & Additions:

- If a formal motion for a substantive motion to be adjourned is carried, or
- If a debate is interrupted for want of a quorum and the meeting is then adjourned –
  a. the debate will, on resumption, recommence as if the item has not yet been considered.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

20—Short-term suspension of proceedings

(1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

(2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

(3) If a suspension occurs under subregulation (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed[1]; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if—

(i) the presiding member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

(1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.

(2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

(3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Part 3—Meetings of other committees

22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

(a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;

(b) that notice need not be given for each meeting separately;

(c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;

(d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

(a) that public notice need not be given for each meeting separately; and

(b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

25—Minutes

(1) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(b) each motion carried at the meeting; and

(c) any disclosure of interest made by a member; and

(d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

(2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4—Miscellaneous

26—Quorum for committees

(1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

(2) For the purposes of this regulation, the ***prescribed number*** of members of a council committee is—

(a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or

(b) a number determined by the council.

Note—See also section 41(6) of the Act.

27—Voting at committee meetings

(1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

(2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28—Points of order

(1) The presiding member may call to order a member who is in breach of the Act or these regulations.

(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The presiding member will rule on a point of order.

(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.

(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—

(a) the ruling has no effect; and

(b) the point of order is annulled.

City of Prospect Further Detail:

- A Point of Order relates **only** to a breach of the provisions of the Act or Regulations
- A Point of Order is not about facts, opinion or content of debate
- A Point of Order cannot be called before a Motion is moved
- Points of Order are not recorded in the Minutes (except if a Motion is moved to disagree with a ruling by the Presiding Member)

28A—Exclusion of member from meeting by presiding member

(1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.

(2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.

(3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

29—Interruption of meetings by members

(1) A member of a council or council committee must not, while at a meeting—

(a) behave in an improper or disorderly manner; or

(b) cause an interruption or interrupt another member who is speaking.

(2) Subregulation (1)(b) does not apply to a member who is—

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

(6) A member who—

(a) refuses to leave a meeting in contravention of subregulation (4); or

(b) enters a meeting in contravention of a suspension under subregulation (5),

is guilty of an offence.

Maximum penalty: $1 250.

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

(a) behave in a disorderly manner; or

(b) cause an interruption.

Maximum penalty: $500.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	278	*Gazette 12.12.2013 p4642*	1.1.2014: r 2
2021	010	*Gazette 16.9.2021 p3565*	10.11.2021: r 2
2022	**97**	***Gazette 17.11.2022 p6647***	**17.11.2022: r 2**

6 Supplementary Council Provisions

6.1 Finishing Times

Council and Standing Committee meetings will not meet beyond 10.30 pm without a resolution being passed by those Members present.

6.2 Recording of Meetings

Council Meetings may be recorded and available for public viewing via Council's website. Confidential Items will not be recorded.

Recording and live streaming of Committee meetings will be in accordance with the Terms of Reference of the particular Committee.

6.3 Voting Procedures for Nominations for Internal and External Positions

6.3.1 Nominations will be accepted by the Presiding Member upon the consent of the nominated person, however, a person may withdraw their nomination before a vote. A Member may nominate themselves for a position.

6.3.2 A secret voting process will be used to determine issues affecting individual Members (such as appointments/nominations to internal committees, external bodies etc).

6.3.3 All Members must vote and therefore are free to vote for themselves if they are nominated for a position. The Presiding Member must also vote.

6.3.4 If only two persons are nominated for an appointment, a simple majority first past the post method of voting is all that is required. However, if three (3) or more persons are nominated, the lowest vote elimination method will be used until two persons remain in the ballot.

6.3.5 Should there be an equality of votes, the issue will be decided by the drawing of lots. The name of the candidate withdrawn will be excluded from the ballot.

6.4 Speaking to Motions

6.4.1 It should be particularly noted that a member must not speak for longer than five (5) minutes at any one time without leave of the meeting.

6.4.2 Members wishing to speak should raise their hand and be recognised by the Presiding Member. It is desirable to have alternate speakers for and against the motion and for second and subsequent speakers to confine discussion to information or details not adequately covered by previous speakers. These principles do not in any way take away a Member's right to speak.

6.4.3 If a Member seeks to ask a question it is important that the Member does not make a speech before or after the question, but asks the question straight away. The Presiding Member must ensure that a member only speaks once to a Motion and should rule the Member out of order if in asking a question a further speech is being made.

7 Order of Business for Ordinary Council Meetings

7.1 Opening

The Mayor (or Presiding Member) will open each Ordinary Meeting of Council with:

- Comment that Council meetings are live streamed and recorded on YouTube
- Kaurna Acknowledgement
- Council Pledge.

7.1.1 Kaurna Acknowledgement

City of Prospect acknowledges that we are on the traditional country of the Kaurna people of the Adelaide Plains region and we respect Elders past and present.

We recognise and respect their cultural heritage, beliefs and relationships with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.

7.1.2 Council Pledge

We seek wisdom and understanding as we face the duties of our united task, working for the peace and prosperity of our City.

7.2 On Leave

7.3 Apologies

7.4 Indication of Intention to Declare a Conflict of Interest

The Mayor will invite Members to indicate if they intend to declare a Conflict of Interest for an item on the Agenda.

When that item is reached during the meeting, the Member must formally declare their Conflict of Interest, the nature of the Conflict and how the Member intends to handle the Conflict, which will be recorded in the Minutes.

7.5 Confirmation of Minutes

7.6 Public Question Time

7.6.1 A maximum period of 15 minutes total will be made available at each Ordinary Council Meeting to provide an opportunity for members of the public to ask questions of the Council.

7.6.2 A maximum time of 3 minutes per person will apply. The Presiding Member may allow for extension of time if appropriate.

7.6.3 Upon commencement of Public Question Time, members of the gallery wishing to ask a question must indicate their intention to do so by raising their hand. When acknowledged by the Presiding Member, the person must state their name and address (suburb only) and ask their question.

7.6.4 The Presiding Member may deem a question inappropriate and refuse to allow a public question to be taken on record or answered because the question:

- is unlawful in any way
- contains defamatory remarks, offensive or improper language
- questions the competency of Council staff or Councillors
- relates to the personal affairs or actions of Council staff or Councillors
- relates to confidential matters, legal advice or actual or possible legal proceedings
- is in the reasonable opinion of the Presiding Member, offered to advance a particular point of view, rather than to make a genuine inquiry
- is vague in nature, or irrelevant to Council
- is not related to Council activities
- is a question that has been substantially asked and answered at a previous Council meeting
- requires a substantial commitment of council resources
- any other reason which the Presiding Member deems is unacceptable.

7.6.5 Upon receiving the question from the gallery, the Presiding Member will

- request that a staff member respond to the question, or
- direct that the question be, in effect, taken on notice for the following month's council meeting.

7.6.6 A question asked by a member of the gallery and the reply provided will not be entered in the minutes of the relevant meeting unless the Members present at the meeting resolve that an entry should be made.

7.6.7 Questions taken on notice from a previous meeting will be answered at the start of Public Question Time, in the order they were received.

7.6.8 No debate is permitted on either the question or the answer.

7.7 Petitions

In accordance with *Local Government (Procedures at Meetings) Regulations 2013,* as detailed above.

7.8 Deputations

In accordance with Local Government (Procedures at Meetings) Regulations 2013, as detailed above.

7.9 Questions Without Notice

This item enables Members to ask questions that are not directly associated with a report being presented to the meeting.
The Mayor will call for any Questions Without Notice, and either provide an answer, or defer to the CEO for a response. No discussion or debate is permitted in reference to the question asked and the answer given. The Member who asked the question will be noted in the Minutes, however the question and answer will not be included, unless resolved otherwise.

7.10 Reports for Decision

7.11 Reports for Information

7.11.1 Those items on a Council Agenda provided as Reports for Information (to receive and note), may be adopted enbloc, without debate. Members may choose to reserve items, which will then be debated as per Reports for Decision.

7.11.2 It is preferred that Reports for Information, including Confidential Reports for Information, are provided as written reports, where possible.

7.12 General Business

7.12.1 *Council Member Reports and Briefings*
This item enables Members to report on activities and attendances at meetings with the community and organisations.
Written reports that are provided to the Governance Team prior to the publication of the Agenda, will be included in the Agenda and Minutes. Written reports provided after the publication of the Agenda will be included in the Minutes. Verbal reports will be acknowledged in the Minutes, noting the Member who provided the report, but not including the content of the report, unless resolved otherwise.

7.12.2 *Motions on Notice*

Motions on Notice must be provided, in writing, to the CEO (through Governance) at least seven (7) clear days before the date of the meeting and must include the wording of the Motion and the rationale behind the Motion.

Motions on Notice published in the Agenda will be accompanied by a comment from the CEO regarding the matter.

7.12.3 *Questions with Notice*

Questions with Notice must be provided, in writing, to the CEO (through Governance) at least seven (7) clear days before the date of the meeting. No discussion or debate is permitted in reference to the question asked and the answer given.

A Question on Notice and the reply provided will be recorded in the Minutes.

7.12.2 *Urgent Motions Without Notice*

This item enables Members to raise a Motion Without Notice regarding a matter of a genuinely urgent nature.

If the Mayor determines that the matter is of sufficient urgency, leave of the meeting will be sought to enable the Member raising the matter to proceed with the Motion Without Notice.

7.13 Confidential Items

7.14 Meeting Closure

8 Order of Business for Special Council Meetings

8.1 Opening

The Mayor (or Presiding Member) will open each Ordinary Meeting of Council with:

- Comment that Council meetings are live streamed and recorded on YouTube
- Kaurna Acknowledgement
- Council Pledge.

8.1.1 **Kaurna Acknowledgement**

City of Prospect acknowledges that we are on the traditional country of the Kaurna people of the Adelaide Plains region and we respect Elders past and present.

We recognise and respect their cultural heritage, beliefs and relationships with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.

8.1.2 **Council Pledge**

We seek wisdom and understanding as we face the duties of our united task, working for the peace and prosperity of our City.

8.2 On Leave

8.3 Apologies

8.4 Indication of Intention to Declare a Conflict of Interest

The Mayor will invite Members to indicate if they intend to declare a Conflict of Interest for an item on the Agenda.

When that item is reached during the meeting, the Member must formally declare their Conflict of Interest, the nature of the Conflict and how the Member intends to handle the Conflict, which will be recorded in the Minutes.

8.5 Reports for Decision

8.6 Confidential Items

8.7 Meeting Closure

Appendix 1 - Councillor Information and Briefing Sessions

Electronic Attendance Guidelines

It is acknowledged that Councillor Information and Briefing Sessions (Workshops) held in person support robust discussion, meaningful outcomes and are generally preferable to meetings held with Members attending electronically.

It is also noted that there are circumstances when Members may not be able to attend Workshops in person and electronic attendance may be a better alternative than non-attendance.

This Guideline provides the circumstances under which the Mayor may allow for electronic attendance at Workshops.

1. Attendance at Councillor Information and Briefing Sessions Electronically

1.1 Information and Briefing Sessions are convened under Section 90A of the *Local Government Act 1999* (the Act) and are required to be conducted in a place open to the public. In accordance with Section 90(7a) of the Act, a Meeting, or in this case a Workshop, is taken to be conducted in a place open to the public, even if one or more Council Members attend by electronic means, provided that all other Members and public attendees can see and hear all participants.

1.2 Members who wish to participate in a Workshop via electronic means must seek the prior approval of the Mayor.

- In the case of the Mayor requesting to participate via electronic means, the request shall be addressed by the CEO.

1.3 A Member participating in a Workshop by electronic means will be taken to be present at the Workshop, providing that the Member:

- can hear all other Members present at the Workshop
- can be seen and heard by all other Members present at the Workshop
- can be seen and heard by the person facilitating and/or recording any notes for the Workshop
- can be seen and heard by members of the public in the Gallery.

2. Request to Attend Workshop by Electronic Means

2.1 Requests to participate in a Workshop by electronic means must be made to the Mayor and/or CEO, in writing, by 5pm on the business day preceding the day of the workshop.

2.2 Should a Member be unable to request to attend a Workshop by electronic means within the required timeframe, electronic attendance will be considered at the discretion of the Mayor and/or CEO.

- Attendance by electronic means will only be approved if there is sufficient lead time to enable the administrative processes required to facilitate electronic attendance.

2.3 In the event the Mayor and/or CEO approves a request for a Member to attend a Workshop by electronic means, all other Council Members will be informed prior to the meeting commencing.

3. Conditions

3.1 Recognising the value of face-to-face discussion, participation, representation and public access to Workshop, attendance by Members by electronic means will only be considered under the following circumstances:

- Travel commitments
- Mandated quarantine restrictions
- Medical reasons that could restrict a Member from physically attending, but not to the extent that the medical reason could potentially impact the Member's effective participation in the workshop
- Other exceptional circumstances as deemed by the Mayor.

3.2 Should the Mayor and/or CEO determine that a Member's request to attend a Workshop by electronic means does not meet the criteria outlined above, the request will be declined. The Member should then either attend the Workshop in person, or provide an Apology.

3.3 Members will not be approved to attend a Workshop by electronic means more than twice in a calendar year, except in exceptional circumstances as determined by the Mayor.

4. Electronic Participation

4.1 When participating in a Workshop electronically, Members are responsible for:

- Testing their equipment and internet connection in advance, prior to each Workship
- Ensuring that, if using tablets or remote devices that they have sufficient battery capacity
- Ensuring they are in a quiet, private environment conducive to engagement
- Having contingency plans in case of technical failure

4.2 Should a Workshop be held in confidence, Members participating by electronic means must be in an environment that ensures no other person can see or hear the content of the session.

4.3 The Workshop will continue regardless of technical difficulties, on either the remote participant's end or Council's end.

5. Live Streaming and Recording

5.1 Workshops will only be live streamed in the event all Members are attending via electronic means.

5.2 The live stream will be recorded and available for viewing on Council's YouTube channel.